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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 352nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAGO

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The meeting was called to order at 3.15 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 6) (continued)

1. Mr. QUINTANA (Inter-American Children's Institute) said that cooperation with the Committee was of the utmost importance for the Institute as the Convention on the Rights of the Child was taking on increasing relevance in the Americas, particularly Latin America and the Caribbean, and would undoubtedly influence social and legislative policies in the region.
2. The Institute, as a specialized agency of the Organization of American States (OAS), had been working in the field of the rights of the child for many years. Its activities included training programmes, programmes to help manage social projects and programmes to eliminate drug addiction among children and young people. The Institute's Directing Council was made up of representatives of all the OAS members and established the guidelines for the work of the Institute as a whole.
3. At a meeting of the Directing Council in 1996, a programme of work had been adopted whose main aim was to increase the political visibility of children's issues in the region and emphasize how those issues could be incorporated into current political, economic and social processes.
4. Cooperation with the Committee was also important because the Institute was ideally placed to help publicize its work. There were three main areas in which it could be of particular use. First, it could provide technical assistance to countries preparing their reports for submission to the Committee and provide follow-up to the Committee's reports and recommendations. Secondly, as part of the inter-American system, it could disseminate information on the work of the Committee within the OAS and its annual General Assembly and Permanent Council and within other specialized bodies in the region. Thirdly, it could work with the Committee on surveys and compile reports on subjects relating to children.
5. The Institute was hoping to establish training courses for people working in the legal professions and would welcome any input from the Committee that would help it promote programmes and other activities reflecting the Committee's aims.
6. The CHAIRPERSON thanked the representative of the Inter-American Children's Institute, on behalf of the Committee, for his suggestions and comments.
7. Mrs. SARDENBERG said that she welcomed that chance to cement the relationship between the Committee and the Institute which, as a regional organization, was in a perfect position to emphasize children's issues at a time of immense political change in Latin America. The three proposed areas of cooperation constituted a viable way of beginning the new relationship, although more long-term collaboration would have to be considered at some stage. The Committee would be pleased to provide information to the Institute on the countries in its region that were due to submit reports and would welcome any help it could give them.

8. The level of poverty and social exclusion facing children in the region was unacceptable and the Committee would support any efforts to ensure that children's issues were a focal point of government policies and increase the political visibility of children's rights.

9. Mr. MOMBESHORA asked how the Institute was funded and if it was competent to take up cases of human rights violations.

10. Mrs. SANTOS PAIS emphasized the importance of publicizing the Convention in the region, particularly since the United States of America had not yet ratified it.

11. The Committee had prepared guidelines on the form and contents of initial reports (CRC/C/5) and periodic reports (CRC/C/58) which the Institute could disseminate. The proposed training programmes for occupational groups would be an important activity and of considerable interest if they were used to complement the legal reforms under way in the region. It would also be useful if the Institute and the Committee could work together on thematic case-studies that would be compiled annually and submitted for consideration, with both bodies contributing information they had gathered in the course of their work.

12. The CHAIRPERSON said that members of the Committee were very much in favour of cooperating with the Institute. Of particular interest was the Institute's support for the vocational training of law-enforcement officials on the new concepts included in the Convention. Cooperation in the preparation of general thematic studies would be enormously useful and cooperation in terms of field visits might also be considered.

13. Mrs. KARP said that the Institute was ideally suited to carrying out comparative studies in the region. It could look at solutions found to the problems of children in the various American countries and see if they were applicable elsewhere. Consideration should also be given to improving indigenous peoples' knowledge of the Convention and determining how it could be applied to their cultures.

14. Mr. QUINTANA (Inter-American Children's Institute) said that the Institute was financed from the regular OAS funds and from special funds under cooperation programmes with several countries, including some European ones.

15. The Institute was not competent to make statements about countries or to criticize them. That was reserved for the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The Institute was trying to establish closer relations with the Commission, with a view in particular to providing it with information about violations of the human rights of children. It was currently helping the Commission on specific points of interpretation of children's human rights. In that connection, the Inter-American Convention on Human Rights contained some specific provisions on children's rights, which were already widely applied in a number of countries.

16. The situation of indigenous peoples was often regarded as a question of minorities although in some countries, such as Peru and Bolivia, they actually

constituted the majority. The Institute was about to begin a discussion with the UNICEF regional office on the topic of indigenous peoples, which had many legal implications, especially for human rights. When more information was available, it would be transmitted to the Committee.

17. The CHAIRPERSON said that the Committee's agenda and other relevant documents would be transmitted to the Institute, so that it could follow the Committee's work and continue to publicize its recommendations. The Committee was always anxious to strengthen cooperation in the fields falling within its competence.

18. She invited Mr. Picard, Chief of the General Conditions of Work Section of the Application of Standards Branch, to inform the Committee of the relevant cooperation activities of the International Labour Organization (ILO).

19. Mr. PICARD (International Labour Organization) said that ILO continued to work on the follow-up to the Committee's recommendations, which were communicated to the relevant headquarters services and to external offices so that they could be incorporated into and given priority in ILO activities. The moment was fast approaching when it would be possible to assess the implementation of the Committee's recommendations. Such implementation required a degree of cooperation on the part of States, and there was often a wide gap between what the delegation of States said in the Committee and what the States did in practice.

20. The latest report to the International Labour Conference of its Committee of Experts on the Application of Conventions and Recommendations had examined the work of the Committee on the Rights of the Child as it affected ILO. It was essential that the Committee should continue to transmit information about its activities for inclusion in that report, so that the Conference could see exactly what it was doing.

21. In March 1996, the ILO Governing Body had decided to include in the agenda of the 1998 Conference an item on new labour standards in order to put an end to the intolerable exploitation of children working in hazardous conditions. A report on national legislations and practices had since been published and a questionnaire was being sent out to States to enable them to give their views on possible new instruments. Those documents had also been made available to the Committee so that it could discuss the matter at its forthcoming meeting with the ILO Deputy Director-General. He hoped that the Committee would make a contribution to the preparation of the instruments in question.

22. He would leave it to his colleague Mr. Gust, Manager of the International Programme on the Elimination of Child Labour (IPEC), to report to the Committee on the Programme's activities.

23. The CHAIRPERSON said that it was certainly true that Governments did not always do as much as they should to implement the Convention. That was why the role of the Committee's partners was so important where implementation was concerned. At a future session, it intended to consider the follow-up to its

recommendations and the role of its partners, beginning with the United Nations bodies. In that connection, the recent meeting of the Chairpersons of the six treaty bodies, organized by the United Nations Fund for Population Activities (UNFPA) in New York, had stressed the role of all United Nations organs in publicizing those bodies' work, with particular respect to their recommendations.

24. The Committee would certainly study the ILO documents and give its views at the meeting with the Deputy Director-General.

The meeting was suspended at 4.05 p.m. and resumed at 4.15 p.m.

25. Mr. GUST (International Labour Organization) drew attention to the document entitled "IPEC at a glance", which summarized the Programme's aims and activities. The question of child labour was part of the ILO core mandate of securing social justice in the workplace, but it was important to address the question not in isolation but in the context of overall development themes. While there were many opportunities for cooperation with other organizations, such specific ILO issues as labour inspection, skills development and labour statistics were particularly relevant to the question of child labour.

26. There was a strong link between the elimination of child labour and the promotion of social justice. The means of action available to ILO had a strong normative emphasis and included, in particular, the Minimum Age Convention (No. 138) and the Forced Labour Convention (No. 105). The exploitation of child labour was expressly covered by the latter Convention. Many of the provisions of the Convention on the Rights of the Child, and not just article 32, were also relevant to the work of ILO.

27. IPEC was the operational arm of ILO in the implementation of its own standards and of the provisions of the Convention on the Rights of the Child. Its work had a very strong research and publications component, geared to the country level through technical cooperation projects and plans for the elimination of child labour. The international partners included the United Nations system, Governments, NGOs and employers' and workers' organizations. All the tripartite constituents of ILO were very interested in IPEC. At the end of 1996, two senior specialists had been designated to advise on activities for the elimination of child labour through employers' and workers' organizations.

28. The framework for IPEC activities was the political commitment by States to do something about child labour by ratifying the relevant ILO conventions, enacting legislation and introducing administrative arrangements. It was essential to establish an alliance among the various partners in a multidisciplinary approach, in which the statistical quantification of the problem was of particular importance.

29. A central component at the country level was the memorandum of understanding on cooperation between the Government concerned and ILO. Twenty such memoranda had already been signed. They set out the general arrangements for cooperation, particularly the establishment of a national

steering committee to produce a national action plan as a precursor to a programme funded by ILO from donor resources. IPEC currently had 13 donors, and other countries were about to contribute.

30. ILO insisted on a pragmatic approach in all national programmes. In the last analysis, a country must take responsibility for its own policies and projects. It was expected that child labour would remain on the global agenda for many years to come, and it was vital to continue the worldwide campaign against it waged by the tripartite constituents of ILO, the United Nations system and the NGOs. In the preparations for the possible new instruments mentioned by Mr. Picard, priority would be given to the particularly intolerable forms of child labour.

31. IPEC relied heavily on the ILO field structure. The function of the small headquarters unit was to advise management and coordinate the field units. IPEC had been running for nearly four years and a major evaluation exercise was to be carried out in 1997 with a view, in particular, to introducing improvements that would ensure the sustainability of country programmes.

32. Mr. KOLOSOV said that the Committee had always taken a close interest in the elimination of child labour and the current discussion was certainly a useful one. One specific problem in the Committee's cooperation with ILO was the discrepancy between their definitions of the "child". The Committee, and indeed other United Nations bodies and NGOs, always defined children as persons aged under 18, whereas the ILO instruments allowed children aged 15 to enter into labour contracts. Perhaps the problem could be overcome by finding a different term for "child labour".

33. Mr. PICARD (International Labour Organization) said that Mr. Kolosov was right. The discrepancy might perhaps be overcome by dividing persons aged under 18 into two categories: children and adolescents. Various ILO texts already made that distinction. An attempt had also been made to resolve the problem by distinguishing between the English terms of "child work" and "child labour", but such a distinction could not be made in other languages. UNICEF was also interested in the problem, but the ideal formula had yet to be found.

34. Mr. GUST (International Labour Organization) said that IPEC had always endeavoured to take account of the Committee's conclusions and recommendations, as contained in its reports, which were extremely useful for project development. Due note would be taken of the comments made at the current meeting on ways of enhancing cooperation.

35. Mrs. SANTOS PAIS underlined the importance of strengthening cooperation with ILO at the national level, where the implementation of IPEC projects was of particular interest. Since the Committee had been in existence for almost seven years, the time had, perhaps, come to take stock of the progress made by the States parties and to decide whether the Committee's recommendations needed refining, in preparation for the consideration of the next round of reports. An assessment in both general and national terms was required and input from ILO on the implementation of IPEC programmes which reflected the Committee's recommendations would be most useful.

36. Mrs. SARDENBERG said that IPEC was clearly a success. The timing seemed to be right, as the issue of child labour was being given good coverage by the media. There were several questions she would like answered regarding IPEC.

37. In 1995, the Committee had carried out a mission to India, Bangladesh and Pakistan and, subsequently, when assessing the results, it had noted the striking differences in approach to problems between countries, even in the same region. Did IPEC have a similar experience?

38. On the matter of sustainability, she noted the reference to the ultimate goal of countries assuming responsibility for their own programmes. Were countries in a position to meet that goal or was there still a tendency to be dependent upon IPEC?

39. Lastly, she would welcome more information on the meetings to be held later that year at Amsterdam and Oslo and what their role was in the four-step strategy towards adoption of a convention on the elimination of child labour by 1999.

40. The CHAIRPERSON asked for details of all forthcoming meetings that might be of interest to the Committee. The agendas for those meetings could, perhaps, be made available so that the Committee could provide input, where appropriate.

41. Mr. GUST (International Labour Organization) said that two conferences on child labour were to be held in 1997 at Amsterdam (February) and Oslo (October). A seminar sponsored by the Organization of African Unity would also take place in February at Cairo. Other events included the Latin American Child Labour Summit at Cartagena, Colombia, in April and the ILO Asian and Pacific Regional Conference at Bangkok in November.

42. While ILO would be actively involved in all those events, the Amsterdam and Oslo Conferences would definitely represent important steps towards the adoption of the new convention. The Amsterdam Conference would focus on intolerable forms of child labour, whereas the Oslo event was to be devoted to education issues. It was worth noting that, at a recent preparatory meeting for the Oslo Conference, it had been suggested that the Committee should be consulted on matters of interest.

43. ILO was undertaking an intensive evaluation process, commencing with a programmes review meeting that was to be held shortly in India. The evaluation exercise would be carried out by national teams not directly associated with IPEC, but ILO experts would act as advisers. ILO would provide those teams with a summary analysis of its discussion with the Committee. That would both enable them to determine to what extent the Committees recommendations could be taken into account and ensure that advice by the Committee would be more focused in the future.

44. For the time being, the goal of sustainability could be realistically achieved only in certain areas. For example, sufficient capabilities had been built up in all participant countries to enable national statistics offices and ministries of labour to continue their work on the elaboration of child labour statistics. In that connection, ILO planned to issue shortly a manual

on the methodology of elaborating child labour statistics for the use of such offices in conducting national surveys. Another area where sustainability might be achieved was that of labour inspection.

45. There was no uniform approach towards child labour among participant countries. ILO had found awareness-raising to be effective, but it was the responsibility of each country to find the most suitable method. There could be no doubt, however, that employers and employees were increasingly pressing Governments to take action. For instance, child labour was to be one of the priority areas for action in India in years to come.

46. Mrs. KARP asked how working children were involved in defining programme objectives, developing strategies and exchanging experience, and to what extent they were partners in the challenge.

47. Mr. PICARD (International Labour Organization) said that the same question had been asked recently at the Council of Europe. IPEC's partners were usually NGOs representing the interests of working children. It was difficult to involve children themselves in the development of programmes and policies for a number of reasons. The age of majority was normally a prerequisite for participation and, in the countries concerned, children usually had little say in such matters. He had often been asked whether children could belong to trade unions. There was nothing to prevent them in international labour standards but there were obstacles of national legislation in that regard.

48. Mr. TABUSA (International Labour Organization) said that IPEC and an international trade union federation had recently organized an international school theatre festival on the theme of child labour. Using information provided by IPEC, the participating schoolchildren had discussed ways of dealing with the problem and had performed a play on child labour. On the basis of the experience gained, it was planned to produce training materials for teachers. For the time being, only international schools in Europe were involved, but it was hoped that the project could be extended to the developing countries. Such an initiative might be one way of involving children in the issue of child labour.

49. Mrs. KARP, said that the starting point for IPEC's work seemed to be the child as an object of protection, while the Convention placed greater emphasis on the participatory role of the child. While she fully understood the difficulties in respect of national legislation, they represented a challenge to which an organization like ILO must rise. Under the Convention, children were entitled to freedom of association and there appeared to be nothing to prevent ILO from including the issue of national legislation in its strategy and seeking ways of involving working children in matters affecting them.

50. The CHAIRPERSON said that the difficulties facing ILO were understandable, since the participation of children was a fairly new concept that had been raised by the Convention. In its questionnaire to States, ILO could, perhaps, ask for information on the existence of children's associations. In some countries, children were allowed to establish such associations, provided that the funds were managed by adults. Such

associations could be potential partners for ILO. In any case, it was important that associations cooperating with ILO in IPEC should take the views of children into account.

51. Mrs. SANTOS PAIS thanked the representatives of the partner agencies for attending the meeting. She welcomed, in particular, the presence of a representative of the International Monetary Fund and hoped that the Fund would participate more actively in future meetings of the Committee.

52. Mr. TAPLIN (International Monetary Fund) said that it was not the first time that a representative of the Fund had attended a meeting of the Committee. The limited number of staff members in the Fund's Geneva office made it difficult, however, for them to attend meetings on a regular basis. None the less, the Fund would continue to follow the Committee's work with interest where such work touched upon its sphere of competence - policy advice on the macroeconomic and financial fronts.

53. The CHAIRPERSON thanked the Director of IPEC and the other ILO experts for their participation. The Committee, which was very interested in enhanced cooperation with ILO, was convinced that the exchange of views would improve understanding of the problems encountered in the field, especially with regard to the implementation of the Committee's recommendations. It was to be hoped that the next batch of periodic reports would provide more accurate information on the progress made, particularly with respect to the programmes run by ILO.

The meeting rose at 5.20 p.m.